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PROCESS, POLICY AND PREJUDICE: A SURVEY OF EDITORIAL POLICIES ON SENTENCING-RELATED NEWS



Research Reports of the Canadian Sentencing Commission



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**PROCESS, POLICY AND PREJUDICE:
A SURVEY OF EDITORIAL POLICIES ON
SENTENCING-RELATED NEWS**



Erika Rosenfeld
1988

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INTRODUCTION

The purpose of this report was to survey the reporting and editorial policies of select southern Ontario media with regard to the news, feature, and editorial coverage of sentencing-related issues. It is based on interviews with reporters and editors, conducted in February and March, 1986. Its purpose is to give an understanding of newsmaker's work methods and priorities, as well as their attitudes towards sentencing, in order to shed some light on how the final product - media accounts of criminal cases with an emphasis on sentencing - evolves. Is the news account a carefully-orchestrated piece of work built on the time-honoured rules of the trade and the discernible policies of each individual newspaper/radio station/television network? Or is it an accident, the random product of countless ad hoc decisions, each affecting the next - decisions rendered moments before each deadline, working together inexorably toward the six o'clock news?

If the truth lies somewhere between these extremes, the question remains: why should purportedly objective reporting - the hallmark of the journalist - consistently produce accounts which shed so little light on the processes behind sentencing and consistently depict the justice system as inadequate?

Prima facie, any number of explanations are possible: that the sentencing system is inadequate and news accounts are an accurate rendition of the sentencing process; that certain

media and/or individual newsmakers are biased for or against criminals and reveal that critical perspective in their work; that media policy-makers perceive themselves as public watchdogs, obliged to ferret out and reveal the flaws in the system.

Interviews with 38 reporters, editors, feature and editorial writers at 15 newspapers, radio and television stations in Toronto, London and Kingston, that serve much of the population of Ontario, reveal that there are three main components which affect the final news product. At one extreme is the ad hoc nature of news production.

Stories pass through many hands. In most newsrooms the person who assigns the story to a reporter is not the same person who edits the story. Another person decides where in the newscast or paper the story will run; another writes the introductory remarks or headlines and does a final edit. In the case of television and radio, the reporter also shares the presentation of the news event with a newscaster or anchorman who may have his own ideas about what the story should be. Many purely random distortions occur with each step. In addition, onerous deadlines afflict each stage of the news production line.

Second, and most important, is the imperative that all stories must attract and keep the attention of the audience. This creates a built-in bias towards the unusual or outrageous. Related to this is the necessity that stories be kept short and,

in the case of television, that visuals be interesting. The cardinal rule ("Man Bites Dog") is that the story be "newsworthy" - a quality few newsmakers can define but which none would fail to recognize.

Decisions made by reporters in the course of covering sentences appear to be instinctive rather than deliberate, in that the sifting of the newsworthy from the unnewsworthy is largely unconscious.

Third are the conscious biases of reporters and editors. Most reporters said sentences are too light, and the criminal justice system is inadequate to protect the public. Many admitted that their biases are reflected in their stories.

An interesting outcome of the interviews - many of which were quite long and probing - was that reporters revealed they were unaware of their own biases. Some said they planned to re-evaluate their work in light of the thoughts provoked during the interview.

The three components that influence the content and quality of news appear to affect all three types of media. Notwithstanding the different techniques used to gather and present the news, all types of news media are limited by the same factors.

METHOD

The 15 media surveyed were selected on the basis of their audience size and the size of their newsroom operation. They reach a combined total of nearly 2.8 million readers, viewers and listeners, although it is impossible to determine the exact extent of overlap. The breakdown of interviewees is shown in the table below.*

Media	Court Reporters	Feature Writers	City Editors, News Directors, Producers			News Editors (n u m b e r interviewed)
			interviewed	interviewed	interviewed	

Newspapers:

Globe & Mail	2	1	1			1
Toronto Star	**	1	1			1
Toronto Sun	1		1		1	1
Canadian Press	1		1			
London Free Press	2		1		1	
Kingston Whig Standard	2	1	1			

Radio
Stations:

CKEY	1	1
CFRB	1	1
CFTR	1	1
CBC	1	
CKO	1***	

Television
Networks:

CFTO (CTV)		
Ch. 9	1	1
CITY-TV		
Ch. 79	2	
CBC (CBLT)		
Ch. 5	1	1
GLOBAL		
Ch. 22	1	1

- * See glossary.
- ** Court reporters from the Toronto Star declined to be interviewed.
- *** This reporter was also the station's assignment editor and was interviewed in both these capacities.

N.B. Several reporters requested anonymity. Individual reporters are therefore rarely identified by name in the body of this report.

The report is based on interviews with 38 reporters and editors. The interviews - based on prepared questions* - varied in length from 20 minutes to two hours, averaging about 90 minutes with each reporter, and somewhat less with editors.

The information derived from interviews has been summarized under the following headings:

Selection: Why are Some Sentences Covered and Not Others

Sources of Information

Story Content

Length Restrictions

Deadlines

Editing and Headlines

Reporters' Views on Sentencing

Purpose of Sentencing

Length/Appropriateness of Sentences

Opinions About Disparity in Sentencing

Value Judgments and Bias and Their Effect on Reporting

Packaging the News: The Business Imperative

* See Appendix II

Media Influence and Public Opinion: The Vicious Cycle

How the Media Evaluated Their Coverage of Sentencing

SELECTION: WHY ARE SOME SENTENCES COVERED AND NOT OTHERS?

Coverage of the Trial

At most newspapers the selection of which cases to cover is left up to the court reporter. In the electronic media, where about half the "court reporters" specialize exclusively in court matters, the decision to report a trial or sentencing is made jointly, often with the court reporter proposing coverage and the news director or assignment editor giving the go ahead. The reasons given for choosing to report a case were the same among reporters and editors, and varied little among the 15 media, except for minor differences, such as the *Globe & Mail*'s stated emphasis on legal precedent-setting cases, and the *Toronto Sun*'s stated avoidance of these same cases. Most sentences are covered as the final disposition of the coverage of a trial. The criteria most frequently cited for covering trials were as follows:

a) Seriousness of the Crime

Major crimes such as murders, sex offences (except the *Globe & Mail*), and violent crimes, were considered worth reporting, as were topical crimes (i.e., pimping, child abuse, impaired driving). Random violence was considered more interesting than domestic crimes. A sizeable take in a robbery or fraud was also frequently mentioned. A news director at one Toronto radio station listed "sensational crimes" as a criterion

and one Toronto newspaper editor said "a particularly horrific story" would merit coverage.

b) Prominence of the Offender or Victim

An offence committed by a high profile person or a person in a position of trust who betrays that trust would make the sentence worth covering even in the absence of a major crime. Examples cited were mayors, bank employees, dentists, police, sports and underworld figures. White collar fraud by a fiduciary, such as a lawyer or investment broker, would rate coverage. The Globe & Mail said this latter kind of case would be of particular interest. The fact that someone was a repeat offender was also mentioned by a few reporters.

c) Unusual Facts

Anything bizarre or out-of-the-ordinary about a crime might make the sentence worth covering. One reporter described this as the "est" principle - i.e. the biggest, longest, etc. gets covered. As the Toronto Sun put it: "will it have enough strange and weird facts that they'll want to read on?". One radio editor said he was looking for the same qualities one would seek in a play or novel; and a radio editor gave the example of "stories that tug at the heart".

Coverage of the Sentence

Reporters and editors said a sentence is sometimes covered even when the trial has not been the subject of ongoing

coverage. The coverage might take the form of a straight news story, or of a reaction story, depending on when the reporter discovers the news.

All of the newspapers had a policy of covering the final disposition of a case whenever they had run a story of the arrest in which the accused was named. This results in numerous short sentencing stories that get very poor play and serve no function other than to discharge an obligation. At the *Globe & Mail*, this policy takes the form of covering the entire trial if the accused is named in the initial arrest story.

Reporters and editors all agreed that the unusualness of the sentence might bring it into the realm of the newsworthy even if the trial wasn't reported. Thus, an unusual sentence such as an innovative community service order, or an unusually harsh or lenient sentence was universally considered worth reporting even in the absence of prior coverage. Other factors that might bring a sentencing story better play were quotable quotes from a judge, strong reaction, and the fact that the offender was on parole.

More substantively, a handful of reporters and editors admitted that the scale of newsworthiness might be tipped slightly in favour of reporting excessively lenient over excessively harsh sentences. This was attributed largely to greater public interest and concern in the former case.

Audience Interest

Most reporters and editors said audience interest was an important criterion for story selection and attributed the criteria cited above to what they believed audiences wanted to see, hear or read. Reporters said that certain types of crimes are topical at any given time, citing cases relating to the Young Offenders Act and impaired driving offences as prime examples of issues which are topical today.

This factor means that "there are sentencings that go completely ignored everyday," said CFRB news director Don Johnston. "We don't pretend to be a journal of record".

Several reporters noted that the problem is endemic to the media. "You don't report that the sun rose today," one reporter said. It's not news.

Some television reporters said a story about a trial has to be as riveting as a soap opera. Both television and radio reporters noted the ease with which a listener/viewer can switch stations. With increasingly widespread use of channel changers, securing viewer interest has become a priority in television news.

Policy Reasons

One reporter who covers courts for two Toronto radio stations, a Toronto television and a wire service, said he

selects stories for their ability to act as a general deterrent - stories with a message to others not to indulge in criminal activity.

Globe & Mail reporters said that paper likes to run stories which criticize "the system". In the case of court or justice reporting this mandate would take the form of stories that illustrate flaws in the penal or legal system, they said.

General

The media's selectivity in covering sentences varied widely, with the Kingston Whig Standard at one extreme covering every sentencing except those for minor traffic offences and small claims, while some Toronto radio and television stations said they cover less than 25 sentences a year.

The fact that fewer court stories appear in the electronic media means that the above-mentioned selection criteria are apt to be applied more stringently by them than by the mass circulation newspapers. The crimes covered will be more serious, the personalities more important, the facts more bizarre and the sentences more exemplary on the average than those in newspapers.

A handful of reporters and editors also noted that there is a wolf-pack element in the coverage of trials. Thus if a paper or station thinks the event will be well-covered by others, there is an incentive to be there.

SOURCES OF INFORMATION

The sources of information court reporters relied on in preparing sentencing stories varied widely among reporters. Most learned of upcoming hearings by reading daily and weekly court dockets, and checking regularly with the court coordinator. Frequent conversations with crown attorneys and defence lawyers as well as the police help them keep abreast of what is going on in the courts. Many reporters were responsible for district, county and High Court as well as judgments coming from the Court of Appeal.

In writing their stories a few reporters said they report almost strictly what they hear and see in court. Thus the reactions of the accused, the victim and their families are only included if they are in evidence during the hearing.

Most said they seek some out-of-court reaction from crown attorneys, defence lawyers and principals. A few said they would go out of their way to consult with interest groups like the pro-choice movement, civil liberties associations, or the rape crisis centre but not on a tight deadline unless the group was demonstrating outside the courthouse or made some effort to contact the media.

In the case of feature stories related to sentencing, reporters and editors mentioned lawyers, judges, academics, police and the Canadian Sentencing Commission as sources they

consulted in researching stories. Reading Canada Law Reform Commission reports, Ontario Lawyers Weekly, and other newspapers, and listening to open-line talk shows were other sources of information about current legal issues and public opinion mentioned by legal features writers. These writers tended to be both better informed about the justice system and more critical of court reporting in the media than their counterparts who handled day-to-day news accounts of sentencing.

A few court reporters and editors said they wished the sentencing process would focus more on the effects of the crime on the victim, as this kind of testimony was thought to make good copy and be of considerable interest to readers.

A Globe & Mail reporter conjectured that the importance of the police beat at a paper like the Toronto Sun would tend to make the police a more important source of information and ideas than they would be at a paper like the Globe where stories are more likely to focus on police wrong-doing.

At radio station CFTR the same reporter covers both police matters and courts. His office is located in a staff house behind police headquarters, and he acknowledges the police are an important source on both beats.

In the electronic media, because of the ban on cameras and tape-recorders in the courtroom, there may be a greater

tendency to consult outside sources both before and after the trial.

STORY CONTENT

The majority of reporters and all the editors who were asked listed the name of the offender, the crime and the quantum of the sentence as the key elements of a sentencing story. Almost all made some reference to the judge's reasons in their list of essential elements, and about one-third of reporters said the judge's reasons for giving the sentence were a very important if not the most important part of the story.

But many reporters said judges' reasons for sentencing were often absent from their judgements and reporters' comments were laden with reservations, conditions and caveats about when the judge's remarks were worth quoting. A few reporters and editors said judges' remarks were often mundane, rote, or boilerplate, and had no special significance. Only salient or interesting remarks were likely to be used, some said.

The Globe & Mail city editor said unless the paper is "obsessively concerned" with a case - and that amounts to about six sentencing a year - mitigating factors such as an offender's unhappy childhood are omitted.

"A sentencing story, almost by definition, answers the question: 'how many (years); what did he get?...' the number is

the most important thing. That's why sentencings are great for radio. You just tell people the number," he said adding that sentencings are a good source of easy stories for radio.*

Others said judges sometimes don't give their reasons for sentencing, possibly because agreement has been reached in a plea bargain. One reporter thought a possible reason why judges may neglect to give reasons for a lenient sentence is that the public would not accept those reasons. She noted as an example the lenient sentences handed out to pedophiles.

Some reporters thought judges' comments are frequently unintelligible or filled with jargon. "The judge should remember that he is addressing a reporter with a limited understanding of the legal system and who is writing for a grade-11-to-12-educated audience," said a reporter for the London Free Press.

The majority of reporters said that the quotability of quotes is paramount and many cited the memorable quote from Justice Cartwright about "sending a message to the boys in Bogata that we don't want your business here," as an example of a quote that the media would be sure to pick up.

* Radio reporters and editors however said it was hard to do justice to a sentencing story in 30-40 seconds. (See section on length restrictions.)

Only one reporter - radio station CFTR's police beat reporter - said he would rather convey the bigger picture of what the judge was saying, than report a snappy quotable quote by the judge.

News directors at radio stations CKEY and CFTO said their stations don't routinely use the judge's remarks in sentencing stories; one noted that there had to be dramatic language or a precedent-setting case to warrant using the judge's comments.

Editors at the Globe & Mail and Canadian Press, and a London Free Press Reporter said very few cases warrant a full explanation of the mitigating and aggravating circumstances.

A CBC radio reporter said he would not report the judge's remarks unless the sentence was unusual. The Canadian Press bureau chief for Ontario said the judge's comments had to be "pertinent or appropriate" to warrant inclusion in the story.

The editor of the London Free Press said the judge's comments should demonstrate some point - i.e. that he is making an example of the offender. Run-of-the-mill aggravating and mitigating circumstances would not be of interest, he said.

Several reporters and editors said they would make a special point of including the mitigating circumstances of the

case if the sentence were particularly lenient, to prevent the judge from looking silly; but those reporters said they would only do so if the mitigating circumstances were mentioned by the judge in his reasons.

A majority of reporters said they make reference in their stories to the maximum sentence for the offence. Most also said they would mention the status of the offender at the time he committed the offence - i.e. whether he was on parole, etc. A few reporters also said they liked to note parole eligibility in the sentencing story to make sure the reader/viewer/listener does not get an inaccurate perception of the length of the sentence. Some reporters said they like to include the latter two points because they perceive the public to be generally disgruntled about the parole system, and inclusion of this information is apt to attract the public's interest. Reporters say their main objective is to keep the audience listening, watching, reading.

Television journalists said the need to get ample visual materials, may influence their decision to seek reaction from victims and others after the sentencing.

LENGTH RESTRICTIONS

News stories must be kept short. Limited news space creates intense competition among reporters to have their stories approved. This has two repercussions; first it induces

reporters to keep their copy short and succinct. In so doing, they are apt to omit anything they think the desk may be inclined to cut. Secondly, they are apt to report only the most interesting aspects of the event, often at the expense of balanced coverage.

Radio reporters said their stories ranged in length from 30 to 90 seconds allowing for an average of 4 - 10 sentences per story. While reporters stressed that they try to include the judge's reasons for sentencing, they said the most important thing is to grab the listener's attention. This means focusing on the single most interesting element in the story - i.e. that the accused was a repeat offender - or some "grabby" quote from lawyer, victim or judge. This is often done at the expense of balanced coverage, but as several reporters noted, seems to be a problem inherent in radio. One radio news director (CFRB) said:

"Journalism is history in a hurry; and when you've got 30 to 40 seconds to give the basic elements of the story, something has to go and sometimes it's all the things that went into an unusual sentence."

Another news director (CKEY) said:

"Court cases can't really be done justice in 30 to 40 seconds."

Similar problems arise in television coverage. A few newspaper reporters and editors compared television coverage to newspaper headlines and one television news director (CTV) acknowledged that only superficial coverage is possible in 90 seconds, though he said the network did a thorough job given the

length restrictions imposed by the medium. A television reporter noted that brevity was one of the key requirements of a judge's quote.

Newspaper editors also said that limited space and the business aspect of journalism imposed their own imperatives on the content of court stories. In some cases only nuances are lost. In other cases a story merely answers the questions: who did what and how many years did he get? One *Globe & Mail* reporter was careful to note that the loss of aggravating and mitigating factors through editing was attributable to the paper's space limitations - not its politics.

DEADLINES

Tight deadlines also contribute to the absence of in-depth reporting of sentences. Some radio reporters reported deadlines as short as 5 - 15 minutes. Television reporters said they had to scramble to get their stories taped and edited in two to three hours. Newspaper deadlines varied from one to eight hours, and reporters said it took them anywhere from 30 minutes to two hours to write a 400 word story, and about 10 - 20 minutes to write a brief (i.e. 2-3 paragraphs).

EDITING AND HEADLINES

Reporters' Comments

Reporters' comments about editing varied. Radio and television reporters said their copy is not really susceptible to alteration because it is usually submitted to the news desk in the form of tapes, and editing can therefore only be accomplished by extracting whole sentences in the case of radio - whole segments in the case of television. However most radio reporters file both a printed and a taped version of their stories to permit the newscaster to edit the story for use in later newscasts in which the story might be shortened or updated.

Newspaper reporters said their stories are usually cut from the bottom; this is in keeping with the inverted pyramid style of news writing in which the most important aspect of the story is the first sentence (the lead), and subsequent points are made in descending order of importance. Most reporters said they tried to get the kernel of the judge's position into the lead of the story. Reporters said there is no other consistent or predictable way in which stories are edited, and editing can result in the loss of any information short of the name, crime and quantum of the sentence. Most reporters said they write to the paper's length specifications - about 400 words to a story - and their copy generally stays intact. About half said they are consulted about changes but not about cuts. Among the elements which reporters said were cut from their stories are judge's reasons for sentencing and background information about the

accused. The submissions of the lawyers are also liable to be cut, reporters said. Two London Free Press reporters said that mitigating background facts about the offender could be cut from their stories.

Reporters said they generally "edited" their own stories to prevent the desk from cutting. One Globe & Mail reporter said he would omit the judge's reasons in certain circumstances and would also omit the offender's personal background and any aspects which were not immediately pertinent to the crime or the sentence imposed. He also listed lawyers' submissions and the parole status of the offender when he committed the offence as other elements he was prepared to leave out of a story if he had to keep it short. Another Globe reporter and a Sun reporter said judges' remarks can be condensed, paraphrased or carefully selected. A Kingston Whig Standard reporter said that quotes in a story must either explain something or grab people's attention; otherwise the desk will cut them. She also said information is occasionally deleted by copy editors accidentally. On the other hand, a Canadian Press reporter said he would never forego the judge's reasons in a sentencing story. A Kingston Whig Standard reporter said he tries to protect the judge's quotes and uses as many as he can.

Editors' Comments

Newspaper editors said a reporter's story would go through the hands of three to five editors. All said mitigating

and aggravating factors in a sentencing story can be cut. They attributed the short shrift given to these details to space limitations and a lack of reader interest. The Globe & Mail city editor said the Globe does not give fair and balanced stories about sentencing procedure. "It's not that interesting; we're very quantitative. 'How many years?' is what they (the public) want to know."

The Sun's city editor said background information about the offender and the crime would be cut first. Next to go are the judge's comments, "if they're not exceedingly newsworthy - if they don't jump out at you." He acknowledged that sentencing stories, like others, get distorted by the editors. "One of the commonest complaints by reporters is that the balance in the story gets lost in the editing process," he said.

The city editor at the Toronto Star said that in principle the paper would want to include judge's comments in a sentencing story but space constraints make them expendable. There is fierce competition among stories for space and, in practice, judges' reasons are carried in detail only in an important, high-profile case (i.e. Buxbaum, Morin). "If we had all these factors (mitigating and aggravating) in every story, we would fill the paper with nothing but court stories," he said. In the vast majority of cases, judges' reasons are summarized, he said.

Headlines: How are they Made?

The city editors of the three Toronto daily newspapers all acknowledged that headlines are an imperfect form of communication and can distort the meaning of the story. They said that summarizing a story in four to eight words is hard and few people are much good at it. Compounding the problem is the fact that the job is done by copy editors - the lowest people on the production totem pole, and generally the least experienced.

Editors said the function of the headline is to encapsulate the story and grab the reader's attention. "Headlines are very much the business part of this business," said the Sun's city editor. The headline has to tell the story, he said, but the sales pitch can be misleading.

"If we are guilty of sensationalism in this paper, we are probably more guilty in the headlines than we are in the story content. You try to boil down an important story which is probably sensational in nature anyway... in trying to grab readers' attention with the most sensational aspect, you end up not reflecting accurately what's in the story. It's a very tough job."

The Star's city editor said that while a headline must be "bright" to attract readers, the Star's policy is to use pedantic headlines rather than misleading or sensational ones.

He complained that the paper's headlines are sometimes "a bit too sensational".

The Globe & Mail city editor said the paper's only policy for headlines on sentencing stories is to put the length of the sentence in the headline. The length of the story determines the print size of the headline and space restrictions also come into play in headline writing. He said headlines on sentencing stories are no more or less accurate than those on other stories.

"Headlines are an appallingly bad form of communication; they make [radio station] CFTR's 68 seconds of news look full-some," he said.

About one-third of reporters complained of inaccuracies or distortions in headlines. These reporters said headlines tended to oversimplify the story. Similarly, television and radio reporters said distortions are sometimes a problem in the introductions or "throws" that are read by the newscaster or anchorman as a prelude to the story. Different people write the throws depending on the time of the newscast and both print and electronic media reporters said there is no consistent way in which headlines and throws distort their stories.

A couple of reporters said they don't bother to read headlines and one Globe reporter said people shouldn't take

headlines too seriously. He doubted that readers would form opinions on the basis of headlines alone.

Among the reporters who complained of distortion were reporters at the Kingston Whig Standard and the London Free Press. One said that 20 percent of his stories have distorted, inaccurate headlines. He said headlines are too frequently "inflammatory" in an effort to attract reader attention.

A London Free Press reporter said headlines are generally accurate, but felt that one mistake was too many. He said the headline writer can blow the whole story out of proportion with the choice of one wrong word.

"One sloppy bit of work by the headline writer can undermine the whole effect; one word can completely ruin the intention of the story," he said, adding that distortions are the result of stupidity not some deliberate policy.

A Globe & Mail reporter said that distortions in headlines occur because the copy editor writing them doesn't read far enough into the story to understand the nuances. A radio reporter said listeners may get a false impression from what the newscaster says in introducing a story. The introduction or throw sets the tone of the story, and sometimes the damage done is so serious that the reporter's story is unable to right the listener's initial impression, he said.

REPORTERS' VIEWS ON SENTENCING

Purpose of Sentencing

Most reporters had some knowledge of the basic principles of sentencing as espoused by judges in criminal cases. However, almost all of them thought the most important functions of sentencing were punishment and deterrence. A few also mentioned rehabilitation, but these reporters were for the most part sceptical that sentencing - especially incarceration - accomplishes this.

Several reporters noted that judges frequently mention general deterrence in their reasons for sentencing but many doubted its effectiveness.

One CITY-TV reporter said it is well known that deterrence is a function of the certainty of detection rather than the severity of the sentence. Both Globe & Mail reporters said rehabilitation, punishment, deterrence and protection of the public all seemed to be legitimate goals in sentencing and felt that judges generally take these principles into account in reaching a fair sentence.

Two radio reporters said the purpose of sentencing is to perpetuate the bureaucracy of the judicial system. They were cynical about whether the criminal justice system serves any other function than to keep lawyers and judges employed. A CITY-TV reporter said the sentencing system is designed both to

protect the public and to create the perception that justice is being done.

Length/Appropriateness of Sentences

City editors at five out of six newspapers said they either had no opinion regarding the appropriateness of sentencing, didn't know, or felt their views (whatever they were) had no relevance to their job. The city editor at the Toronto Star said he thought sentences are generally about right, but noted that excessively light sentences may be more newsworthy than excessively harsh ones because they tend to anger people more. The Sun's city editor, who said he hadn't thought about whether sentences are appropriate, said most readers who phone or write them on the subject believe that sentences are much too light. The Globe & Mail's city editor also said that those who shout loudest, shout "too light".

Newspaper editors - those in charge of their paper's editorial policies - would not generalize about their paper's editorial policies on the question of appropriateness of sentences. The editor of the Toronto Sun, acknowledged however that there is a trend in the Sun's editorials to express annoyance at the leniency of sentences. These editorials were always written in reaction to some news item and never consisted of general sweeping statements, he said. Both he and the editorial director - the person who oversees the paper's news content -

said the paper's editorial policy does not influence its news content.

News editors - those who determine which stories the paper runs and how prominently they are played - make their decisions on the basis of reader interest and principles of news judgement and are more likely to be hostile rather than sympathetic to the views of the editorial board, the Sun's editor said.

The editor of the Globe & Mail said the Globe has no formal editorial policy on whether sentences are too harsh or too lenient. "We are not for savage retributive justice," he said.

However, on the issue of disparity, he said judges should have a narrower margin of discretion in determining the sentence for a given crime. There should be more uniformity and consistency in sentencing so that the perception of unfairness among both the public and offenders is diminished, he said. Like other editorial editors, he said there is no link between the paper's editorial policy and its news coverage.

The editor of the Toronto Star, said that paper would generally take a liberal stance on sentencing issues - focussing on harshness rather than leniency in its criticism. He noted that in a case like the Irwin trial - the Scarborough youth who

shot a family and was sentenced to a three year maximum sentence under the Young Offenders Act - the Star published an editorial defending the legislation but criticizing the Crown for failing to apply to move the case to adult court.

A London Free Press reporter said that paper's editorials have criticized leniency and have reacted to sentences the editor perceived to be lenient.

The three television producers interviewed said their stations had no editorial policy regarding sentencing.

Of the seven newspaper reporters who answered the question whether sentences are too harsh or too lenient, six said they are too lenient. None said sentences are too harsh, and one considered them to be about right.

Of fourteen reporters and editors in the electronic media who answered the question, six thought sentences were generally too light, four either had no opinion or said they didn't know and two thought they were about right. One said they are getting better, noting a trend toward harsher sentences. One reporter, who said he used to think sentences were too light, said he now finds them to be about right or possibly a bit harsh.

Among the 38 people interviewed, at least one-fifth mentioned at some point that they are opposed to incarceration

for white collar crimes, and wanted to see a greater emphasis on restitution. Some said a prison term wasn't harsh enough if the sentence didn't also call for restitution.

One reporter said the justice system has its priorities backwards when it metes out harsh sentences for property crimes, and reformatory terms for child sexual assault. Another reporter, who thought sentences for violent crimes are too light, said they are never too light for non-violent crimes. Still another, felt too much emphasis is put on the length of incarceration rather than on its quality, noting that more genuine efforts at rehabilitation, humanizing prisons, and developing a more responsible parole service, would go a long way towards improving the justice system.

Disparity in Sentencing

Of 27 reporters and editors who addressed the issue of disparity, 23 thought there was disparity in sentencing. Three said there is no disparity or not enough disparity, and one features writer for the Kingston Whig Standard said she didn't know.

As with the case of leniency, the attitudes of those who perceive that there is disparity ranged from acceptance of a system which grants judges a wide degree of discretion, to cynicism about a system in which one can shop knowledgeably for a judge.

A few reporters spoke of "kissing judges" and "hanging judges" and said reporters become cynical about the justice system after a few years of covering courts.

A few interviewees, including two justice reporters and the editor of the *Globe & Mail*, recommended narrowing the parameters of the judge's discretion. One reporter thought this would also contribute to the public's perception that justice is being done. Two people mentioned that they had read a Canada Law Reform Commission report on disparity.

Value Judgments and Bias and Their Effect on Reporting

Of 18 court reporters, 15 said they make conscious value judgments about whether a sentence seems fair. Eight of the 15 reporters who acknowledged making value judgments said they sometimes allow their biases to be reflected in their stories. The other 7 said they were careful not to do so.

Among those who admitted to editorializing in their news copy, all but one reporter gave examples of how they might express disapproval at an excessively lenient sentence. Only one reporter chose to illustrate how she would criticize an excessively harsh sentence.

Important ways of editorializing included mentioning the maximum sentence, the offender's past criminal record, his parole status, and when he could expect to be back on the street.

Selection of stories, marshalling of facts, selecting of reaction and - in the case of radio reports - the tone of voice, were examples of how reporters deliberately or inadvertently expressed their views.

A few reporters said they would seek comment from lawyers, police or outside groups (i.e. rape crisis centre) that tended to reflect their own views. One reporter said her bias might be reflected in her choice of which aggravating or mitigating circumstances to emphasize. Two reporters said their views might be reflected in the lead: "a man convicted of his third violent attack on young girls could be back on the street in 18 months", is an example one reporter gave.

One London Free Press reporter said that he would go to the victim for reaction if he thought the sentence was "totally inappropriate". If the victim reacted strongly, that would probably become the lead of the story, he said. He also said he makes a habit of mentioning in the sentencing story when the offender will be eligible for parole - particularly if he has committed a serious offence or has received a lengthy sentence, or if the sentence is "inordinately light". He said he does this to show the reader that the sentence is lighter than it appears to be. A number of other reporters also made this point.

Several reporters - including those who said they make no value judgments or don't allow their judgments to reflect in their stories - said they would include a reference to the maximum sentence if the sentence appears to be lenient. Reporters were more comfortable referring to this evaluation of leniency as a "news judgment" or "judgment call" rather than as a value judgment. A few acknowledged that this is a subtle way of editorializing, but others rejected the suggestion, saying they were merely stating facts that the public has a right to know and helping the public put the sentence into context.

One Globe & Mail reporter said a reporter's perceptions of whether a sentence is right or wrong has a great impact on his reporting: the reporter's decision about whether a sentence is hard or soft becomes the focus of the story, he said.

"My own leanings are towards rehabilitation so I would tend to seek quotes from the defence lawyers saying: 'what's the sense of crushing this person?' The Sun will invariably seek emotional reaction from the victim's family," he said.

A few reporters were critical of other reporters, criticizing them for editorializing or for having a poor knowledge of courts and legal matters. "Most reporters are not equipped to make intelligent judgments about whether a sentence is fair; most have a knee-jerk reaction and a skimpy knowledge of justice," the Globe reporter said. "I object to their making value

judgments in their stories; reporters are notorious for throwing in their own opinions, disguised or not so disguised." He said there is an alerting mechanism in the quotes that should tell the reader where the reporter stands, particularly given the sheer volume of material he has to choose from. He noted that sometimes the reporter's opinion appears blatantly in the lead, citing the occasional use of the word "harsh" in sentencing stories.

One radio reporter said he feels less guilty of direct editorializing when he calls a sentence heavy then when he labels it "light". If he thinks a sentence is light, he prefers to quote someone else saying so. He said a reporter's values are reflected in the facts and quotes he chooses to include in the story. The radio reporter's tone of voice may also reflect his feelings, he said, noting that irritation is an easy emotion to detect.

Of the three reporters who said they do not make value judgments, two of them gave instances of how they have nonetheless slipped their views into their news stories. For example, one radio reporter said that by including a reference to the maximum sentence for the offence "you're probably leaving the listeners with the impression the guy probably should have gotten more. I also include when the offender will be back on the street again, to point out that I thought - even though I wasn't saying it -

that I think this is a travesty of justice; I was indirectly telling the listener that I thought it stunk."

One of the reporters who claimed not to make value judgments said: "when I do a sentencing [story], I always jab the justice system a bit each time - just to let the public be aware of the judge's wide discretion. I'm not a big fan of the sentencing system as it stands now. I have a lot of problems with sentencing; I don't like disparities in sentencing."

The same reporter also said that if the judge notes in his judgment that the crime is a terrible one and then gives a light sentence, the reporter makes a point of mentioning the potential date of parole eligibility "to point out how short the sentence actually is. People are always very interested in that."

Several reporters mentioned that reporters covering courts tend to become jaded, cynical and hardened toward the people before the courts and even towards the public itself. "If you see too many guys that are in the cells or in court, you start to develop a sort of callous attitude toward them - just another loser," he said.

"One of the cops calls them 'pukes'; one of the reporters that covered Buxbaum calls the members of the public 'grunts'. You develop a sort of attitude towards others; police

and judges have a hard attitude towards offenders and I think maybe that rubs off a little on the press."

Another reporter said: "many reporters identify strongly with police and Crowns - i.e. with law and order versus scumbags;" they become cynical about the justice system and this view is likely to be passed on to the public since their information is filtered through reporters.

Several editors mentioned that reporters' personal opinions are not reflected in the content of news reports. CBLT's executive producer said a reporter would get into trouble if he so much as took the initiative to seek a reaction from public interest groups he suspected would espouse his views.

Other editors acknowledged that the bias of the editor or reporter may be built into the selection process. "I don't think you can do a news story without some bias," said CTV news director Derwin Smith. "You have to go in with some original perception. You have to decide something is right or wrong; it has to reflect an opinion or how you feel about a situation. I am surprised if people think there is no bias in them or that it never appears in their copy or in their decision to do a story in the first place."

One radio news director (CFTR) said his view that sentences are too lenient might be reflected in a decision to do

a feature story on whether sentences are too light.

The city editor at the Kingston Whig Standard said the news editor's bias may be reflected in the layout of the paper - how prominently a story will play. "My values, biases, and feelings do influence where stories play when I'm on the news desk. News judgment is such a highly subjective thing," he said.

PACKAGING THE NEWS: THE BUSINESS IMPERATIVE

Many reporters and editors, especially those in the electronic media, justified the media's somewhat sensational reporting of courts and sentencing, stressing the importance of keeping the audience riveted. This seemed to be a paramount concern of many news professionals.

Every decision - i.e. which sentences to cover, how prominently they play, what to include in the story - seems to be made with a view to maintaining audience interest.

"News, especially TV news, does a number of things," said a reporter at Global TV. "It informs; it educates; it also entertains. If I can't keep you attentive, if you're drifting while I'm talking, then there is no point in having me talk in the first place."

Many reporters said that tight space restrictions create an imperative to keep the story interesting. "It's a matter of aesthetics (what to include in a story)," said a CBLT reporter. "If you include everything, it becomes a pretty monotonous read. If it's a monotonous read, and no one reads it, the editor will tell you it's dull copy." He said a reporter can't get away with producing dull copy for long before he finds his job on the line.

"If no one is watching, then it wasn't worth doing in the first place," said a CTV reporter. "Your throw (introduction) has got to be enticing enough that the person's not going to push that channel changer. You've got to make it attractive."

A few reporters noted that aggravating circumstances in a case make better copy than do mitigating ones, and the same is true of critical or intemperate comments by the judge. References to the offender's parole eligibility also tend to generate outrage and consequently public interest, said a Globe & Mail reporter. "We emphasize the negative, the out of line, the outrageous; that's what news is all about," he said.

Similarly the parole status of the offender is high on most reporters' list of facts to mention in a sentencing story. "Nothing is juicier for a court reporter than that someone was out on parole from raping someone and is charged with raping someone again," said a London Free Press reporter.

"In the sentencing you sure jump all over that because the judge will be jumping all over it. If he doesn't, he isn't doing his job."

A CITY-TV reporter agreed that the offender's parole status is very important. "I love hearing that," he said.

Only one reporter objected to mentioning the parole status of the offender in a sentencing story. "In some cases it can be a very pertinent fact and if the crime is a very serious one, I will mention it, said Kirk Makin of the Globe & Mail. "But I won't make it the lead, as so many people do. It's just become a very popular thing to do. It's an automatic lead and you know you'll get good play in the paper if you can say this guy was on mandatory. It's just a knee-jerk whipping boy right now," he said.

Moreover, a story is apt to lead with a controversial or sensational quote from the judge which emphasizes some particularly interesting aspect of the case. This highlight will likely guide the headline writer and create an impression which may not be accurate, said the city editor at the Toronto Star. "There is no way around that in our current system of putting out the news."

A Kingston Whig Standard features writer said the mainstay of newspapers are "quick-hit" stories which report a

court case. "They're quick and easy to write; stories that go beyond that require a lot more time and resources and a greater commitment on the part of the paper."

She also noted, however, that judges are partly to blame for poor media coverage because they are not very articulate about their reasons for sentencing.

A London Free Press reporter noted that fewer than half of his stories include the judge's comments, either because the judge said nothing or because the reporter didn't think it worth reporting.

The journalist's imperative, therefore, is to intrigue, attract, entertain and outrage. This imperative is bound to influence public opinion.

PUBLIC OPINION AND MEDIA INFLUENCE: THE VICIOUS CYCLE

Many journalists said the public thinks sentences are too lenient, although some did not know where they got that impression. The public is outraged by lenient sentences, but is not frequently upset by harsh ones, many reporters believe. Consequently, for reasons of public interest, lighter sentences are apt to get better coverage than harsh ones. This selectivity may create a skewed public perception that sentences are too light, some reporters said. Other reporters were quick to note that the media does not create this perception, but merely

reinforces it. Reporters said they monitor public opinion by reading letters to the editor, listening to open-line talk shows, and keeping abreast of barroom gossip. Editors said the public does not hesitate to telephone in its reaction. The Toronto Star keeps a log of all the phone calls it receives.

"We mirror what the public wants to see," said a CITY-TV reporter. "We have a duty to reflect those kinds of opinions."

The assignment editor at Global TV said the media definitely contributes to and reinforces the public's view that sentences are too light, adding that the media more frequently follow rather than lead public opinion; they focus on what the public is interested in.

Several reporters and editors said the media's only role is to inform the public. Because it is only a messenger, it merely conveys what is happening in the courts and cannot be responsible for influencing public opinion.

But others said the media whips up public emotion by focussing on controversial issues and bad news. "The unusual sentences or parole violations are the ones that galvanize people's reaction," said the city editor at the London Free Press, adding that the unusual cases are more likely to be played up in that paper.

Half the newspaper reporters interviewed acknowledged some responsibility for misleading the public on the issue of sentencing.

"I will accept some blame that we don't explain fully enough in our 8 to 10 inches, all the considerations that went into a person getting a particular sentence," said a London Free Press reporter. "We tend to focus a little too much on the numbers and hard facts, instead of remembering the offender is a human being. If we did a little better job capturing a bit of the person the judge sees, it would help explain why the judges give sentences they do. Maybe some reporters are a little right wing; we tend to lose sight of the fact that it's a person who has run afoul of the law."

A Globe & Mail reporter said that in neglecting to explain the offender's background, newspaper stories fail to depict offenders as victims, rather than simply as victimizers. But these facts are rarely brought out in court, he said, and when he includes them, they sometimes get cut for space.

He said that despite the media's tendency to focus on the odd, outrageous sentencing stories in its daily coverage, the effects of this are countered in the Globe by feature stories which describe studies and trends in sentencing.

The Toronto Star's legal writer, who covers only appeal court decisions and writes feature stories, said the media doesn't provide enough detail or explanation about why a sentence is the way it is. "Perhaps we just tend to run a story for its shock value," he said.

The Toronto Star reporter wrote a feature story in December, 1985 discussing disparities in sentencing, and whether sentences are too lenient. He said it is hard to know whether reporters are ignoring the details provided by judges or whether judges are failing to provide details.

Another writer who specializes in justice-related features for the Kingston Whig Standard, said the media doesn't do a great job enabling people to understand the justice system. "I don't think people understand what sentencing is all about or what kinds of considerations come into play when someone is sentenced - that's not something that we really go into as a paper." Consequently, people are forming opinions and making judgments on things they know nothing about, she said. "I think if people understood the process better, they wouldn't be so inclined to think sentences are too lenient or that the parole system is too lenient."

Some reporters acknowledged that the media's emphasis on aggravating circumstances, the offender's parole status, and

his eligibility for early parole tend to reinforce the public's views that the system is not harsh enough on criminals.

Several reporters said the media has considerable power to influence the public. "It's scary what proportion of the public still believes that what they see on TV and read in the newspaper is the total picture," said a CITY-TV reporter. "It's not. We can't give them everything - certainly not on TV. We are just the vehicle for public reaction."

"What we say, especially on TV, has a great influence on the public," said a reporter for the Global Television Network. "Seventy percent of the population of North America now uses TV as their primary source of news," he said. "I'm giving them information on which they will form their opinions; if my information is slanted or biased or inaccurate, then their opinions will be based on slanted, biased or inaccurate information."

A few reporters and editors said the public participates in its own misinformation. People don't want to deal with too much detail. "The public wants the headline and the first sentence or two," said a London Free Press reporter. "We have perhaps recognized that and we don't write that much explanation; but even if we wrote more explanation, I doubt that the public would really care to read it," he said. "The public has an idea that courts are too lenient and I don't think that's something

we're going to shake. They are getting it from reading only headlines. A lot of people don't even read headlines - they just watch TV," he said, adding that television has much more impact than the press in influencing people's opinions about everything. "We're post-literate; it's too hard to read."

The Kingston Whig Standard city editor made a similar point, citing a study that shows the average North American reader spends less than 30 minutes with the daily paper. "Thus they are only reading headlines and maybe a paragraph or two and drawing their conclusions. It's a societal problem," he said. "People are not taking the time to read the reasons given if the reasons are published." Moreover, reporters are not reporting the judge's complete reasoning. In addition, if there is a space problem, parts of the judge's reasons may get cut on the desk, he said.

CBLT's executive producer said another factor which may contribute to misunderstandings is that the public hears only what it wants to hear. He said that both CBLT and CTV require their reporters to include the judge's reasons in their court coverage, but that "people have filters for hearing what they want to hear; in a TV story, if it upsets them, they probably wouldn't hear it," he said. "If you're the kind of person that's going to think judges are being lenient, then even if we gave the mitigating circumstances, very few people would pick up on them."

Two other points were made in connection with public opinion and media influence. The city editor at the Kingston Whig Standard said that because so much of a paper's news coverage focuses on academics and bureaucrats and their views, "newspapers tend to be anti-academic, anti-intellectual when it comes to the simple things in life - such as hoods, courts, bad guys and good guys."

As far as newspapers are concerned, the academic's view of sentencing is of less interest than the opinions of the uneducated, television-watching public, he said.

The other point, made by a CTV reporter, is that the current public view on sentencing has more to do with a philosophical shift to the right in the past ten years than with news media accounts of sentences. An increasingly conservative public is reacting to judicial policies laid down in a more liberal era and grounded in the ideology of the sixties, he said.

HOW THE MEDIA EVALUATED THEIR COVERAGE OF SENTENCING

Reporters and editors were divided in their evaluation of how well the media covers sentencing. About half thought the media did a good job reporting courts and sentencing. They felt coverage was fair, accurate and ample.

Television editors said limited manpower, the prohibition of cameras in the courtroom, and the cost of relaying

video materials from anywhere but large metropolitan centres, prevented television from doing a good job covering courts. Television reporters said courts do not provide good visuals, which makes it hard to sell the producer on a court story.

While members of the electronic media said newspapers are better equipped to do a good job covering sentencing, print reporters and editors said newspaper coverage is inclined to be superficial. "We don't take the time to put facts in context," said the Kingston Whig Standard city editor.

Many reporters complained that other reporters don't understand legal issues and arguments, and consequently fail to provide accurate reports. Another complaint by reporters in the electronic media is that some stations only cover trials on a spot basis, swooping in for one day as a "knee jerk" reaction to spotlight some sensational aspect of a case.

Newspaper editors acknowledged that reporting of sentencing is not fair, balanced or complete. But most felt their paper did a good enough job and that the public wouldn't read a great job if they did one. "We don't have enough space, time, ink, paper, etc. to do as good a job as we should do on anything," said the city editor at the Globe & Mail. "We are a middle class paper and we actually write feature stories about the principles of sentencing once in a while and we do a good

job," he said, describing the Globe's condition as one of "happy imperfection".

Responding to a suggestion that the coverage of some cases may be excessive, reporters and editors said the media's job is to give the public what it wants. "That's the business part of this business," said the city editor at the Toronto Sun.

The city editor of the Toronto Star noted that space restrictions contribute to the distortion of the public's views: "without running the full details of a case, it's very hard for the public to judge whether a sentence is fair. There are all kinds of mitigating circumstances that are not known to most people. On a daily basis, you can't make these known to people in every case."

Nevertheless, he said that while that paper's coverage of sentencing might be inadequate from the point of view of the court or of the individuals in the story, it sells the paper.

A CITY-TV reporter said "the media's role is to inform and educate people on the law of the land, and to report on the system's success or failure at protecting the public. We are still the benchmark of democracy in the whole system," he said.

CONCLUSION

The daily imperative of producing and selling news are the main determinants of what the media are inclined to report and how information is packaged. In the case of the media's coverage of courts and sentencing, numerous factors - all geared toward the objective of creating "good copy" - seem to work together to produce a picture of a justice system that is too easy on criminals. Perhaps the essence of the problem is that public outrage is what sells papers, and public outrage is more easily generated with lenient than with severe sentences.

At most news operations (with the possible exceptions of the Toronto Sun, CITY-TV and CTV) this does not seem to be the result of any conscience or deliberate policy on the part of the media but seems rather to be something of a side effect of the news production process.

The most important aspect of court coverage, many reporters said, is the quotability of the quotes. While many reporters and editors said that judge's reasons for sentencing are the key to the sentencing story, they also said the judge has to be quotable, and the shorter the quote, the better. "In radio, TV and newspapers, a short, punchy quote is worth a hundred times more than a long quote," said a Global reporter, stating succinctly what many reporters and editors had said.

Given the restrictions of language, it is more likely that remarks made in a short, quotable sentence will be of the critical, intemperate variety than of the slow, thoughtful, explanatory variety.

Several reporters complained that judge's comments are mundane, verbose, or couched in legalese and generally make poor copy. On the other hand, a tongue-lashing makes good copy.

The use of dramatic language by judges is more likely to describe aggravating circumstances than mitigating ones, further contributing to the public's sense of outrage. Aggravating circumstances generally make more interesting copy than do mitigating ones for these reasons.

The sentencing story must include the background of the crime, a fact which probably contributes to the audience's sense of annoyance with criminals. The juxtaposition of factors like the maximum sentence imposable for the offence, the offender's parole violations, and his eligibility for early parole, also add to the drama of the story and make it more newsworthy, all the while fueling public outrage.

A growing interest among reporters and editors in the plight of the victim may make audiences even more critical of the justice system.

Reporters' perceptions, that they are responding to rather than fueling the public's concern about the penal system, are perpetuating this kind of coverage.

Moreover, many reporters appear unable to conceal their own biases on the subject of sentencing. Those reporters that admitted to bias nearly all believe that sentences are not harsh enough.

Space constraints, editing and headlines also contribute to the problem. Mitigating factors are among the first things to be cut for space - they tend to make weaker copy than other elements such as zingy quotes or reaction from lawyers and victims. The omission of mitigating factors skews the balance of the story. A slanted story is thus sent to the copy desk, where the headline writer incorporates the new angle into a sensational headline. While this chain of events is not inevitable, nor even the general rule, the potential for such distortion certainly exists.

Reporters suggested that much of the problem would be resolved if judges' comments made better copy. Judges might consider taking the time to simplify their reasons, especially the ones they want reporters to pick up. One reporter summed up his thoughts as follows:

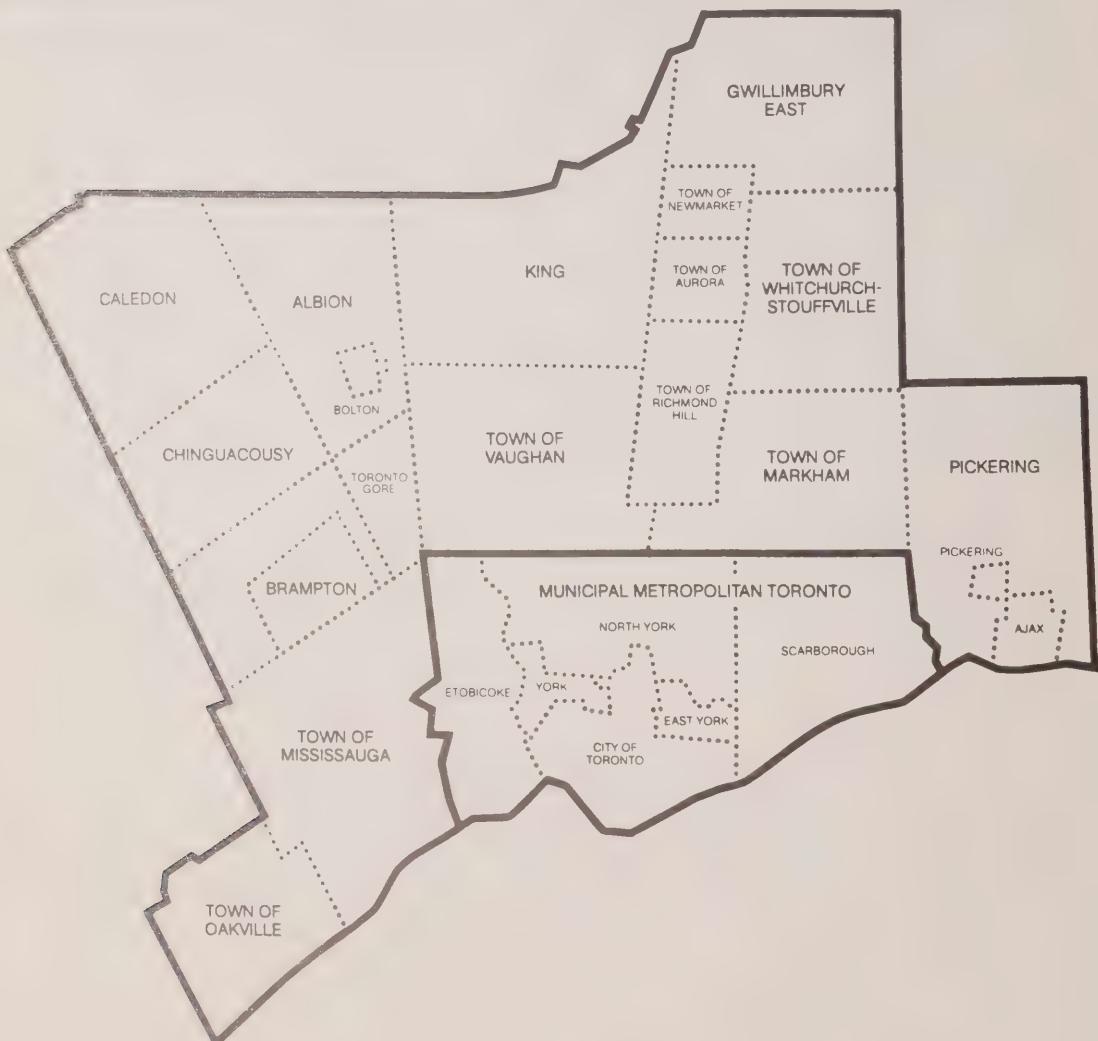
"If a judge feels strongly that a certain sentence is warranted because of XYZ reasons, he should spell them

out clearly, and even a slow-witted reporter is going to pick up on them. Judges should pretend they're addressing a Rotary luncheon - get rid of the legal jargon ... Throw in a juicy quote that captures the essence of something. If judges want sentencing reported and understood, then its their job to think PR - their job to sell it. I don't think they have to prostitute themselves or sensationalize. Just keep it simple, stupid."

TORONTO ONTARIO

CENSUS METROPOLITAN AREA (CMA)

BBM AREA 5199



APPENDIX I

CIRCULATION/AUDIENCE OF SELECT SOUTHERN ONTARIO MEDIA*

<u>Newspaper</u>	<u>Daily Circulation</u>
Globe & Mail	316,763
Toronto Star	519,154
Toronto Sun	252,119
Kingston Whig Standard	36,228
London Free Press	129,469
Canadian Press	40 member newspapers in Ontario

<u>Television Network</u>	<u>Viewers of 6 p.m. News</u>
CFTO (CTV), Ch. 9	294,000**
CITY-TV, Ch. 79	215,000
CBC (CBLT), Ch. 5	193,000
Global, Ch. 22	286,000

<u>Radio Station</u>	<u>Adult Listeners (18+) 7:00-7:15 a.m. Southern Ontario</u>	<u>Adult Listeners (18+) 7:00-7:15 a.m. Central Metropolitan Region***</u>
CKEY	82,000	71,900
CFRB	214,900	173,200
CBC	110,000	71,800
CFTR	87,900	61,800
CKO	33,600	26,000

* Statistics for newspapers from Matthews List, Dec. 1985
(Matthews & Partners Ltd.)
Statistics for radio and television from Bureau of Broadcast
Measurement, Fall 1985.

** For CFTO, this figure represents viewers of 6:30 p.m. news.

*** See map opposite.

APPENDIX II

Questionnaire for News Reporters

1. Media
2. (a) Number of years spent as a reporter
(b) Number of years reporting courts/justice
3. General assignment or "beat" reporter?
4. How do you learn of a sentencing judgment or upcoming hearing?
5. Is the decision to report the sentence made by you or an editor?
6. Are the cases reported selected on the basis of reader interest?
7. Do any of your colleagues select out certain cases for excessive coverage?
8. What criteria determine whether you will report a sentence?
9. Do you attend the hearing or read a written judgment?
10. Does the method of coverage affect the story (i.e. the length of time you have in which to absorb details, reflect, write)?
11. How much time do you generally spend on a sentencing story?
12. What other sources of information do you use (Crown Attorney, defence lawyer, families/friends of victim/offender, victim, offender, public interest groups such as John Howard Society, etc.)?
13. What elements or information are essential/non-essential /irrelevant to the story?
14. Do you mention in the story:
(a) the maximum sentence imposable for the offence?
(b) the status of the offender at the time the offence was committed?
15. Which of the elements in question 13. are likely to be omitted when you condense and summarize?
16. Which are likely to be cut by the desk? Why?
17. Is there a formula for writing sentencing decision stories? Describe structure, content, length.

18. What is your sense of what the desk wants in a sentencing story? Does the story change when it leaves your hands? What kinds of copy changes are most common?
19. What do you think is the primary purpose of sentencing?
20. Do you make value judgments about whether the sentence you are covering seems fair? Is that judgment reflected in the story? How?
21. How do you express your approval in the story?
22. How do you express disapproval?
23. Does the point of view you express become distorted or altered in the editing process?
24. Are you consulted about changes or deletions?
25. Do headlines accurately reflect the content, mood, value judgments in your story? If not, is there any consistent way in which they get distorted?
26. Do you think that sentences are too light, about right, too harsh?
27. Do you think there is a lot of disparity in sentencing?
28. Do you think the media do a good job reporting sentences?
29. Do you think that news media accounts influence:
 - (a) justice professionals (i.e. judges, crown attorneys, defence lawyers)?
 - (b) the public?

Reporters' comments regarding the visual aspects of sentencing were also noted.

As the interviews progressed, questions 9 and 10 were abandoned. In addition to the above questions, the interviews included a certain amount of unstructured discussion.

Interview Questions for Editors

1. Media
2. Position
3. Who reports sentencing hearings (general assignment reporters or beat reporters)?
4. Who decides whether a hearing is to be reported?
5. What criteria determine whether a hearing merits a story?
6. Can mitigating/aggravating factors which a reporter includes in a story get deliberately or accidentally edited out by a copy editor or news editor? Would the reporter generally be consulted first?
7. What kinds of details (aggravating/mitigating factors) would be cut first?
8. How many levels of editing does a story undergo?
9. How are headlines for sentencing-related stories composed? Criteria?
10. Who would decide that a feature story on sentencing is timely or appropriate? What kinds of criteria might contribute to that decision?

Note: Some editors were also asked Questions 6, 7, 26, 27, 28, and 29 of the news reporters questionnaire.

Interview Questions for Features Writers

1. What makes a theme/subject feature-worthy?
2. How do you formulate a theme?
3. What sources do you consult in formulating your thesis and researching the story?

Interview Questions for Editorial Writers (Editors)

1. What is the paper's policy/stand on sentencing of criminals in Canada? Is the system generally acceptable? Are sentences too severe/lenient?
2. Is this stand in any way reflected in the paper's/station's news coverage?

GLOSSARY

editor - responsible for editorial (opinion) policy and oversees a pool of editorial writers

assignment editor - matches available reporters with stories to be covered; is usually a member of the team that decides which stories should be covered each day

city editor - decides which stories the newspaper should cover on a daily basis

news editor - reviews news copy for major flaws and determines where in the newspaper the story should play, and the approximate length to which it should be cut

copy editor - edits copy for grammar, syntax, and misunderstandings; also writes headlines

executive producer - the top decision-maker at a television station; responsible for deciding which stories get played each day and for approving and vetting final news scripts

news director - manages the radio newsroom; performs the same functions as the executive producer at a television station and the city editor at a newspaper

lead - the first paragraph of the news story; in a hard news story it makes the single most important point

throw - the introductory sentence or two read by the anchorman or newscaster at the beginning of each news story; the electronic media's equivalent of the headline

